

**THE HONORABLE MARY JO HESTON
CHAPTER 13**

HEARING DATE: March 24, 2020

HEARING TIME: 1:00 P.M.

LOCATION: Tacoma, Washington

RESPONSE DATE: March 17, 2020

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

MICHAEL FLOYD SANDERS,

Debtor.

Case No.: 20-40150-MJH

TRUSTEE'S OBJECTION TO CONFIRMATION
WITH STRICT COMPLIANCE

COMES NOW, Michael G. Malaier, Chapter 13 Standing Trustee, and objects to
confirmation as follows:

BACKGROUND

Debtor filed this Chapter 13 case on January 18, 2020. The applicable commitment period is sixty months. The case is currently in the second month and the Meeting of Creditors has been completed. The bar date for filing non-governmental claims is March 30, 2020. Scheduled unsecured claims total \$84,439.81, and scheduled priority claims total \$4,000.00. The plan as filed proposes 100% repayment to general unsecured filed and allowed claims. The proposed plan includes language in I.B. and/or I.C., seeking non-standard relief.

TRUSTEE'S OBJECTION TO CONFIRMATION
WITH STRICT COMPLIANCE - 1

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600

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OBJECTION

☒ Schedules or other documentation insufficient:

(1) Debtor has not yet provided Trustee with copies of their bank statements covering the date of filing pursuant to Fed. R. Bankr. P. 4002. Specifically, for the checking and savings accounts held at Twinstar Credit Union. In addition, it appears that the combined date of filing balance between Debtor's BECU and Chase Bank accounts exceeds the \$3,000.00 scheduled. Confirmation should be denied until such time as Debtor has complied with this requirement.

(2) Trustee has requested, but not yet received, a copy of the registration for the Debtor's non-filing spouse's vehicle, which Debtor has proposed to pay directly.

☒ Other:

Section I.B. of Debtor's plan is marked "yes;" however, Debtor's plan does not contain the requisite language per Local Bankruptcy Rule 3015-1(f). The plan should be amended to either change Section I.B. to "no" or the plan should be amended to comply with the local rules for a non-standard plan.

WHEREFORE, Trustee requests that the objection to confirmation be sustained and Debtor be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

DATED this 7th day of March, 2020.

/s/ Mathew S. LaCroix

Mathew S. LaCroix, WSBA# 41847 for
Michael G. Malaier, Chapter 13 Trustee

CERTIFICATE OF MAILING

I declare under penalty of perjury under the Laws of the United States as follows: I mailed via regular mail a true and correct copy of the Trustee's Objection to Confirmation to the following:

Michael Floyd Sanders
16621 – 94th Ave. Ct. E.
Puyallup, WA 98375

OneMain
P.O. Box 3251
Evansville, IN 47731

The following parties received notice via ECF:

Ellen Ann Brown
Nikole Montufar
US Trustee

Executed at Tacoma, Washington on the 7th day of March, 2020.

/s/Tracy Maher
Tracy Maher
Office Manager
Michael G. Malaier
Chapter 13 Trustee